



Snohomish County
Planning and Development Services

John Lovick
County Executive

Clay White, Director
3000 Rockefeller Avenue M/S #604
Everett, WA 98201-4046
(425) 388-3311 FAX (425) 388-3832

MEMORANDUM

To: Snohomish County Planning Commission
From: Richard Craig, Senior Planner
Date: June 10, 2015
Regarding: Rural Craft Brewery/Distillery/Winery Proposed Code Revision

This staff report contains background information, including alternative regulatory approaches, addressing the Breweries, Distilleries, and Wineries land use code project in preparation for the planned staff briefing at the June 23 Planning Commission meeting.

Background

Over the past few years the county has experienced increased interest among prospective permit applicants for siting breweries, distilleries, and wineries of various types and sizes within the rural areas of the county. The goal of this project is to balance the needs of individuals wanting to locate these uses in rural/agricultural areas with legitimate neighborhood concerns regarding the noise, traffic, parking, and other potential impacts in a clear and coherent set of regulations. Property owners must be allowed to achieve this goal, while not infringing on current property uses.

Greater clarity in regulatory guidance can be provided by recommending selected code revisions concerning the appropriate zones - both rural and resource in the use matrix - and performance standards in conjunction with appropriate definitions for breweries, distilleries, and wineries. A survey of how breweries, distilleries, and wineries are addressed in selected jurisdictions' codes is included (Attachment 1). Also an assessment of representative non-residential uses currently allowed in zones that are under consideration for breweries, distilleries, and wineries in this proposed code revision are included as Attachment 2.

The following is a summary of how those uses are currently regulated under Title 30 SCC:

Distillation of Alcohol:

Historically, Title 30 of the SCC has only recognized one use category which specifically mentions manufacturing of alcohol titled “Distillation of Alcohol” which use is limited to Urban Industrial Zones (IP, BP LI, HI and UC). Distillation of Alcohol is listed as a conditional use in certain Rural zones (RD, R-5 and A-10); however, the reference note accompanying the Rural zone listing limits the use of distillation of alcohol for the purpose of sale as fuel. Accordingly, manufacturing of alcohol for consumptive purposes is not currently allowed in the Rural zones under the Distillation of Alcohol use category. The definition of this use, as proposed by staff and recommended by the Commission (May 26 Planning Commission hearing on new code definitions), if approved, would render this use no longer applicable to consumable forms of alcohol.

Farm Product Processing:

Separate from Distillation of Alcohol, the Use Matrix in SCC 30.22.100 and .110 also recognizes Farm Product Processing as a permitted use in limited Urban zones. (CB, GC, LI and HI), as well as a majority of Rural zones (RD, RRT-10, R-5, RB, RI, F and A-10). In 2004, the definition of Farm Product Processing was revised to add “production of wine” to the definition as follows:

"Farm product processing" means the alteration or modification, for the purpose of storage, transport, or sale, of an agricultural product produced on a farm site through the addition of other ingredients or components, provided that the initial agricultural product shall be the principal ingredient or component. The addition of elements necessary for the long-term storage or stability of the product shall not be considered farm product processing, provided that this addition does not alter the agricultural product from its original constitution or state. **Farm product processing includes the production of wine.** Farm product processing shall not include the operation of a stockyard or slaughter house.” [emphasis added]

See SCC 30.91F.160. Accordingly, wine making is allowed in all zones where Farm Product Processing is permitted. Non-urban zones that Farm Product Processing is allowed in include the Rural zones of RD, RPT-10, RB, RI, and R-5 as well as the Resource zone of Ag-10. Accordingly, while wine production is currently permitted in many Rural zones under the Farm Product Processing use category, the activity of on-site sales and consumption would also be required to comply with the additional requirements/limitations applicable to Farm Stands, a different use in the use matrix.

Home Occupation:

Limited on-site production of wine, beer, and spirits can occur under the Home Occupation use category subject to the limitations in SCC 30.28.050. Home Occupations are allowed in all Urban zones where residential use is allowed, and all Rural zones with the exception of the RFS and RI zones. Notably, the Home Occupation use category allows on-site sales of goods produced on the premises (but

otherwise prohibits sale of merchandise not produced by the residents on the premises). See SCC 30.28.050(1)(c).

Where a Home Occupation is conducted in an accessory building or attached garage, SCC 30.28.050(3) imposes the following additional restrictions:

(3) Use of accessory buildings. Home occupations may be conducted in an accessory building and/or an attached garage in accordance with the following:

(a) The provisions of subsections (1)(a), (c), (d), and (f) of this section shall be met:

(b) A minimum lot size of one acre is required;

(c) SCC Table 30.28.050(3)(c) identifies the maximum allowable, combined accessory building and attached garage area and the minimum required building setback for the garage and/or the accessory building from adjacent residentially zoned properties according to the home occupation lot or parcel size; except that in the rural business zone the requirements of the table shall not apply, and a maximum allowable combined accessory building and attached garage area of 1,000 square feet shall be permitted, and the minimum building setback from adjacent residentially-zoned property shall be 30 feet.

Table 30.28.050(3)(c)

HOME OCCUPATION

MAXIMUM FLOOR AREA/MINIMUM BUILDING SETBACK

	One acre	Two acre	Three acre	Four acre	Five or more acres
Area (sq. ft.)	500	600	700	800	900
Setback (ft.)	30	40	50	60	70

(d) The home occupation shall in no way affect the appearance of the accessory building and/or the attached garage as accessory to the residential dwelling;

(e) The home occupation shall be fully enclosed within the accessory building and/or the attached garage including no outside storage of equipment or materials;

(f) The home occupation shall not create a level of noise vibration, smoke, dust, odors, heat, light, or glare beyond that which is acceptable in a residential area;

(g) The following activities, including any similar activities, are prohibited as home occupations: minor or major automobile, truck or heavy equipment fueling, maintenance or repair; auto-body work or painting; parking or storage of heavy equipment; and any Group H occupancies as defined in the building code except for woodworking and spray finishing in conjunction with woodworking activities;

(h) The home occupation hours of operation shall be limited to: 8:00 a.m. to 8:00 p.m., Monday through Friday; and 9:00 a.m. to 5:00 p.m., Saturday and Sunday; and

(i) A certificate of occupancy shall be obtained from the department prior to commencing the home occupation to ensure building and fire code compliance. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060.

Additional Planning Considerations:

While state law (Title 66 RCW) heavily regulates licensing of those persons who may manufacture, sell, or distribute alcohol produced by fermentation or distillation, those regulations do not generally address where such uses may be located. However, there are inherent limitations in the nature of the manufacturing process itself which limit the scale of manufacturing activity which can occur without access to urban utility services for water and wastewater. Both Department of Ecology and the Snohomish Health District have regulations addressing wastewater effluent from alcohol manufacturing which prohibit discharge into on-site septic systems. Accordingly, in areas not served by municipal sewer systems, effluent from the production of wine, beer, or spirits must be tanked and disposed off site.

In addition, the Agricultural Advisory Board (Board) raised the question of requiring a “domestic” component to production activities occurring within the A-10 zone so that there is a connection to promotion of local agricultural production. As an example, King County regulations (Attachment 1) only allow wineries in agricultural zones to the extent 60% or more of the grapes or other agricultural product used to produce the wine is grown in King County. Other examples like RCW 66.24.140 grant a reduction in licensing fees to the extent 50% or more of the raw materials used in the production are grown in Washington state.

Summary and Intent of Zones

A summary of and intent of zones being considered for breweries, distilleries, and wineries is contained in Chapter 30.21.025 is included as Attachment 3.

Recent Actions:

Based on the foregoing regulatory scheme, there is currently no specific use category tailored to addressing the impacts associated with wineries, breweries, and distilleries especially as it relates to the Rural zones. Rather, this activity is currently being regulated either under the Farm Product Processing use category for wineries (which does not specifically address on-site sales or consumption activities), or as a Home

Occupation for breweries and distilleries. There has, however, been a growing demand to do more than is permitted as a home occupation brewery, distillery, or winery.

At an initial briefing for the Snohomish County Council (council) on March 17, 2015, the council directed as follows:

- A range of options or alternatives be considered and presented to the commission.
- Consideration is given to treating wineries differently than breweries and distilleries, or perhaps treating each of the three differently.
- That the commission conducts discussion regarding not allowing these uses, or at least not breweries and distilleries, in the R-5 zone. Council requested that the commission consider this issue thoroughly.

The Council also requested that the Board be briefed and have the opportunity for questions and comment regarding the general scope of the project in advance of the commission briefing. The Board was briefed initially at its April 14 meeting with a follow-up briefing on May 12. As it relates to allowing such activity within the A-10 zone, the Board generally supported recognizing wineries, breweries, and distilleries as a form of Farm Product Processing (the same as currently exists for production of wine under SCC 30.28.038); However, the Board favored having some level of domestic agricultural product requirement if it is to be a permitted use within the A-10 zone. The minutes of the Board addressing the issue are included as Attachment 4.

Proposed Alternative for the Commission's Consideration

Staff has identified a principal alternative for addressing the issue of breweries, distilleries, and wineries along with ancillary options. The principal alternative would create a new use category of Rural Craft Brewery/Distillery/Winery.

This would amend the use matrix to add this new use, and place a structure limitation of 4,000 square feet (4,000 square feet is a common threshold for gross floor area in zoning use matrices) within Rural and Ag-10 zones (the use would be prohibited in the R-5 zone in areas where a Mineral Resource Overlay is present). In addition to a new use category, there would be a new code provision added to Chapter 30.28 SCC setting forth special development standards applicable to such facilities. These standards could be specifically tailored to address variations between facilities offering simply a limited tasting room, versus on-site sales and consumption, and establish additional limitations for particular rural or residential zones depending upon the zones in which the use is permitted (or make the use a conditional use in certain zones allowing greater flexibility in crafting restrictions to address unique factors).

Zones considered in this scenario include the Rural zones RB, RI, and R-5. The Resource zone of Ag-10 is also included for consideration. These zones are good candidates because they, for the most part, comprise the primary Rural zones that commercial activities similar to breweries, distilleries, and wineries are located in. The

Resource zone of Ag-10 is also considered due to the agricultural connection of breweries, distilleries, and wineries.

The elements of this alternative include the following new definitions:

- “Rural craft brewery/distillery/winery” means a facility where beer is processed and manufactured; spirits are processed and manufactured; or wine is manufactured respectively. A craft brewery, distillery, or winery can include related (growing) fields, tasting, and sales rooms.
- “Tasting room” means a facility or portion of a facility supporting a craft brewery, distillery, or winery where the public may sample products produced by the facility and which has ancillary related retail sales.

The matrix (Figure A) shows the Rural/Resource zones that are being recommended as part of the principal alternative. This alternative would add breweries, distilleries, and wineries to the Use Matrix as a new use either as a Permitted Use, Administrative Conditional Use, or Conditional Use as shown in Figure A.

Figure A
Breweries, Distilleries, and Wineries added to the
Use Matrix for Select Rural and Resource Zones

Classification	Rural			Resource
Zones	RB	RI	R-5	Ag-10
Permitted/ Conditional Use Rural craft <u>brewery/distillery/winery</u> Size is based on <u>gross floor area (gfa)*</u> Under 1,500 1,500 – 4,000	 P A	 P A	 P¹¹⁵ C¹¹⁵	 P C
Outdoor Area Allowed for all Zones	Outdoor area shall be allowed that equals up to 20 percent of the gfa of the structure [#] .			
Operating Hours	Hours are limited to between 10:00 a.m. and 8:00 p.m. daily and shall not exceed 20 total operating hours (open to the public) per week.			
Parking Requirements	10 spaces per 1,000 sq. ft. gfa^			Minimum of five spaces required.
Signage	Signs in connection with the use shall be unlighted, shall not exceed two square feet, and shall be attached flat to the building.			

*Includes any area used for Tasting Room

[#]For facilities up to 1,500 square feet, a maximum of 30 people are allowed in the outdoor area. Any number in excess of 30 people requires a Conditional Use Permit (C). For facilities between 1,500 – 4,000 square feet, a maximum of 50 people are allowed in the outdoor area.

[^]Calculation of parking spaces required shall include only that area that is occupied and not storage or vacant area. All parking must be contained on-site, there shall be no on-street parking allowed. This calculation for parking is consistent with existing parking requirements for restaurants, taverns, or bars for on-premises consumption.

P – Permitted Use

A – Administrative Conditional Use

C – Conditional Use (before the Hearing Examiner)

Reference notes for use matrix

(115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO). Public park is a permitted use on reclaimed portions of mineral excavation sites with the MRO.

A conditional use permit requirement is being proposed for structures with a gross floor area of 1,500 square feet or larger in the R-5 and Ag-10 zones. This would give the Hearing Examiner discretion to set conditions/standards regarding access, traffic, lighting, noise, and other applicable elements to achieve the required “neighborhood compatibility” standard.

Additional Options for Consideration

The commission is presented with a primary alternative in this report. It should be pointed out that this is not the only option. The commission is able to recommend a combination of options regarding the proposed use or choose between a range of options that will facilitate the location of breweries, distilleries, and wineries in selected Rural and potentially Ag-10 zones if they meet appropriate standards. Additional options include:

- 1) Allow breweries, distilleries, and wineries as a permitted use in the RB and RI zones, but not allow them in the R-5 and/or Ag-10 zones.
- 2) A combination of the alternatives/options (i.e. allow in all zones except R-5).
- 3) Treat breweries, distilleries, and wineries differently (i.e., permit wineries in Ag-10 and/or R-5, but not breweries or distilleries).

Evaluation and Consistency of the Alternative and Options

The principal alternative described in this report would require code revisions that are in line with similar uses already contained in the SCC. These uses include taverns, restaurants and grocery stores in the Rural RB zone. The proposed code revision would offer greater flexibility by providing further options for the applicant and serve to streamline the administration of the new code by providing tools to control the size and quality of the structure and site.

The options presented are consistent with the applicable Countywide Planning Policies and relevant policies in the General Policy Plan governing rural and resource development and land use. There are no inconsistencies between the proposed code revision and other comprehensive plan elements or development regulations have been identified.

The options presented are consistent with the various provisions and requirements of the Growth Management Act related to local comprehensive plans and would comply with the procedural requirements of the GMA and county code regarding comprehensive plan amendments.

Special Development Standards

In the past the county has imposed special or unique development standards on a variety of uses. These standards have addressed issues such as:

- 1) Requiring walls, fences, or greenbelts for screening of certain developments or uses, and
- 2) Special limits on the size (gross floor area) of a building.

For this use, development standards could potentially include the following (these standards could also be imposed by the Hearing Examiner if the proposal requires a Conditional Use Permit):

- 1) Structures and areas used for processing shall be set back a minimum distance of 35 feet from property lines adjacent to residential zones.
- 2) Lighting cannot cause glare onto adjacent properties or roadways (a similar standard is included for mini-equestrian centers in the SCC).
- 3) Parking shall be per SCC 30.26.030 (see Figure A):

Conformance and Consistency

The proposed code revision is consistent with and helps to implement the goals, objectives, and policies in the county's Comprehensive Plan. The proposal helps to provide consistency in permit processing and code interpretation by the clarification of regulations and definitions.

Environmental Review

A State Environmental Policy Act (SEPA) Determination is required for the amendments to SCC Chapter 30 (the Unified Development Code). A determination is expected to be issued in early July 2015.

Notification of State Agencies

Pursuant to RCW 36.70A.106, a notice of intent to adopt the proposed regulations and standards will be transmitted to the Washington State Department of Commerce for distribution to state agencies. This action is anticipated in late June 2015.

Planning Commission Action

Following the hearing to consider the proposal which is scheduled for the July meeting, it is requested that the commission provide a recommendation to the County Council. The Planning Commission can recommend approval of the code revision for Craft Breweries/Distilleries/Wineries as proposed, denial of the proposal with findings of fact, or amend the proposal with additional findings of fact.

Attachments

- | | |
|--------------|--|
| Attachment 1 | A survey of how breweries, distilleries, and wineries are addressed in selected jurisdictions' codes |
| Attachment 2 | Examples of other non-residential uses currently allowed in zones being considered for breweries, distilleries, and wineries |
| Attachment 3 | Summary and intent of zones being considered for breweries, distilleries, and wineries is contained in Chapter 30.21.025 |
| Attachment 4 | Agricultural Advisory Board's minutes |

A Survey of how Breweries, Distilleries and Wineries are addressed in Selected Jurisdictions Codes

King County

- Winery/brewery – listed as permitted uses in various zones including Urban Manufacturing and one residential “urban reserve zone.”
- Only allow wineries in agricultural zones to the extent 60 percent or more of the grapes or other agricultural product used to produce the wine is grown in King County.
- Parking – Winery/brewery 0.9 spaces per 1,000 square feet, plus 1 per 50 square feet of tasting area.

Chelan County

- There are no zoning code provisions for breweries or distilleries.
- Distinguishes wineries with 1,500 sq. ft. of retail space from those with larger retail areas in use matrix.
- Wineries are listed with other agricultural uses and those with small retail spaces are permitted outright in its agricultural zone. Wineries with larger retail spaces .. only permitted outright in its rural commercial zone.
- In other rural zones and the agricultural zone, wineries require a conditional use permit.
- Parking - Not listed in parking section. Off-street parking and loading requirements are determined by the administrator based upon the requirements for the most comparable use specified.

Yakima County

- Permitted, Administrative and Conditional Uses (includes use listing for distilleries and breweries).
- Rural zones where permitted include:
 - Agriculture Type I Use (Requires administrative action).
 - Valley Rural, Type II Use – Requires action by reviewing official (Hearing Examiner).
 - Remote/ELD, Type III Use – Requires action by reviewing official (Hearing Examiner).
 - Rural Settlement, Type II Use – Requires action by reviewing official (Hearing Examiner).

Kitsap County

- A brewery or distillery is not shown to be a permitted or conditional use in any rural and resource zone.
- A brewery, distillery or brewpub is only shown as a conditional use in certain urban commercial zones and as an administrative conditional use or conditional use in certain urban industrial zones.
- There are no zoning code provisions relating to wineries.

Pierce County

- There are no zoning code provisions relating to breweries, distilleries or wineries.

Examples of Other Non-residential Uses Currently Allowed in Rural Zones being considered for Breweries, Distilleries and Wineries

Rural and Ag-10 – Uses Allowed Outright or with a Conditional Use

Use	RB	RI	R-5	Ag-10
Tavern	P	_____	_____	_____
Restaurant	P Gross floor area not exceed 4,000 sq. ft.	_____	_____	_____
Grocery Store	P Gross floor area not exceed 4,000 sq. ft.	_____	_____	_____
Hardware Store	P Gross floor area not exceed 4,000 sq. ft.	_____	_____	_____
Petroleum Products & Gas Storage – Bulk	_____	P	_____	_____
Sawmill	_____	P	C	_____
Service Station	P	_____	_____	_____

P – Permitted Use

C – Conditional Use

A – Administrative Conditional Use

Use	RB	RI	R-5	Ag-10
Retail Store	P Gross floor area not exceed 4,000 sq. ft.	_____	_____	_____
Boarding House	P	_____	_____	P
Mini-equestrian Center	P	P	P	P
Public Events/Assemblies on Farmland	_____	_____	_____	P Max. 2 events yr. Each event not to exceed 2 weeks.
Kennel, Commercial	_____	_____	P ¹¹⁵	C
Farm Product Processing				
Up to 5,000 sq ft	P	P	P ¹¹⁵	P
Over 5,000 sq ft ⁹⁴	A	A	A ¹¹⁵	A
Garage, Detached Private Accessory ⁶⁰	P	P	P	
Up to 2,400 sq ft	P	P	P	
2,401 – 4,000 sq ft on More than 3 Acres ^{41, 59}	A	A	A	
2,401- 4,000 sq ft on Less than 3 acres ^{41, 59}	C	C	C	
4,001 sq ft and Greater ^{41, 59}				
Garage, Detached Private Non-accessory ⁶⁰	P	P	P	P
Up to 2,400 sq ft	C	C	C	C
2,401 sq ft and greater ^{41, 59}				

P – Permitted Use

C – Conditional Use

A – Administrative Conditional Use

Summary and Intent of zones being considered for breweries, distilleries and wineries contained in Chapter 30.21.025 of the SCC as follows:

Rural Zones

Rural Business (RB). The intent and function of the Rural Business zone is to permit the location of small-scale commercial retail businesses and personal services which serve a limited service area and rural population outside established UGAs.

This zone is to be implemented as a "floating zone" and will be located where consistent with specific locational criteria. The Rural Business zone permits small-scale retail sales and services located along county roads on small parcels that serve the immediate rural residential population, and for a new rural business, are located two and one-half miles from an existing rural business, rural freeway service zone, or commercial designation in the rural area. Rural businesses, which serve the immediate rural population, may be located at crossroads of county roads, state routes, and major arterials.

Small scale retail is appropriate in the R-5 zone. Small scale breweries, wineries and distilleries would fit into the character of this zone.

Rural Industrial (RI). The intent and function of the Rural Industrial zone is to provide for small-scale light industrial, light manufacturing, recycling, mineral processing, and resource-based goods production uses that are compatible with rural character and do not require an urban level of utilities and services.

Rural-5 Acre (R-5). The intent and function of the Rural-5 Acre zone is to maintain rural character in areas that lack urban services. The Future Land Use Map (FLUM) land use designation is Rural Residential - 5. Attachment 2 to this report summaries uses that are allowed in each of the zones being considered. The following are some of the uses not allowed in the R-5 zone:

- | | |
|---------------------|----------------------------|
| - Minor auto repair | - Construction Contracting |
| - Fix it shop | - Restaurant |
| - Grooming parlor | - Tavern |
| - Locksmith | - Personal services shop |
| - Bakery | - Drug Store |
| - Campground | - Office |
| - Grocery Store | - Hotel/Motel |

Resource Zones

Agriculture-10 Acre (A-10). The intent and function of the Agricultural-10 Acre zone is:

- (i) To implement the goals and objectives of the County General Policy Plan, which include the goals of protecting agricultural lands and promoting agriculture as a component of the County economy;
- (ii) To protect and promote the continuation of farming in areas where it is already established and in locations where farming has traditionally been a viable component of the local economy; and
- (iii) To permit in agricultural lands, with limited exceptions, only agricultural land uses and activities and farm-related uses that provide a support infrastructure for farming, or that support, promote or sustain agricultural operations and production including compatible accessory commercial or retail uses on designated agricultural lands.
- (iv) Allowed uses include, but are not limited to:
 - (A) Storage and refrigeration of regional agricultural products;
 - (B) Production, sales and marketing of value-added agricultural products derived from regional sources;
 - (C) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;
 - (D) Support services that facilitate the production, marketing and distribution of agricultural products;
 - (E) Off farm and on-farm sales and marketing of predominately regional agricultural products from one or more producers, agriculturally related experiences, products derived from regional agricultural production, products including locally made arts and crafts, and ancillary sales or service activities.
 - (F) Accessory commercial or retail uses which shall be accessory to the growing of crops or raising of animals and which shall sell products predominately produced on-site, agricultural experiences, or products, including arts and crafts, produced on-site. Accessory commercial or retail sales shall offer for sale a significant amount of products or services produced on-site.
- (v) Allowed uses shall comply with all of the following standards:
 - (A) The uses shall be compatible with resource land service standards.

(B) The allowed uses shall be located, designed and operated so as not to interfere with normal agricultural practices.

(C) The uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of agricultural buildings but shall not otherwise convert agricultural land to non-agricultural uses.

Snohomish County Agricultural Advisory Board

Jackson Board Room

April 14, 2015

12:30 p.m.

a. Breweries, Distilleries, and Wineries Briefing – Michael Zelinski/Richard Craig

Michael Zelinski introduced a current project in the works which would add Breweries, Distilleries, and Wineries Use to the Use Matrix. The interest to do so has been increasing over the last few years. The plan is to go to the Planning Commission in May with a briefing, and hold a public hearing in June. There is no staff proposal at this time, but he expects to have one by this time next month.

At this time, Richard Craig spoke. He stated that there had been a preliminary briefing with County Council on March 17th. They expressed that they wanted this to come before the Ag Board for feedback. The intent is that there would be a range of options, one being that it doesn't address home occupations. That will be addressed comprehensively at a later time. Mr. Craig stated that they would like to return to the May 12th Ag Board meeting to provide an update at that time. He then described the Use Matrix and currently permitted uses.

Mike McCrary added that home breweries often begin as a small, home occupation. But as they grow, they no longer fit under their current use. Some of the preliminary ideas are that breweries, distilleries, and wineries would be allowed in the industrial zones, in the rural, residential, and business zones, rural residential and rural industrial under a conditional use permit. This raises the question of do those uses fit into R5 and A10 zones and under what conditions. In addition, the definition "brewery" needs clarification. If allowed in A10 zones, what are some of the performance standard conditions that need to be built in, such as size limitations.

PDS will proceed with the code and bring the draft back to the May Ag Board meeting.

Snohomish County Agricultural Advisory Board

Jackson Board Room

May 12, 2015

12:30 p.m.

c. Breweries, Distilleries, and Wineries Update – Michael Zelinski

Michael Zelinski provided the Board with an update on this project. He reiterated that the purpose of the project is to discover a better way to deal with breweries, wineries, and distilleries, which are currently not listed in our use matrix. However, farm product processing, which is in the use matrix, expressly includes the production of wine. This is becoming a more popular kind of land use, and there is increased interest recently in Snohomish County, in both urban and rural settings.

There is the issue of the GMA and regulation in the Ag lands, how we regulate non-agricultural uses or accessory agricultural uses in the Ag areas. The areas of our code that are most likely to be affected by

changes include the use matrices if one or more uses are added. This action will also require addition/revision to the definitions section.

PDS has been looking at how other counties in the state are regulating this. We are also exploring non-residential uses and how they are regulated in our rural zones, particularly the Ag 10 and the R5. We are also reviewing how our permitting staff has been administering applications that have come in for these types of uses. Richard Craig is still working on the staff report which will be done soon. Following that, it will be taken to the Planning Commission in two weeks. There should be a hearing the following month. PDS is not asking the Ag Board for a formal recommendation at this point, but Mr. Zelinski invited any input.

Brian Dorsey, Prosecutor's office, spoke. The GMA and Ag designation for conservation of these lands is geared toward promotion of the Ag product. The accessory uses that are permitted on Ag lands refers to uses that produce or promote the region market. For example, King County allows wineries in their Ag zones. They require that at least 60% of the raw product used in the production of the wine come from King County. Snohomish County regulations deal with farm stands in the Ag zone and require that 50% of the products sold on site be generated within Snohomish County and 75% within King County. However, if you allow breweries and wineries in the Ag zone to be treated as simply farm product processing, you are potentially creating the equivalent of a tavern. One alternative is that you would want those same regulations to be applied to this type of use in the Ag zone. If you deal with it as a separate use category and allow it in the Ag zone, you'll want to have limits on retail sales, space, hours of operation, etc. You could limit the activity to only processing of things produced on site. The idea is that if it's still going to be an accessory use in the Ag zone, you want it to have some tie-in to your regional agricultural market. The council is looking for input as to whether the Ag Board is in favor of this idea.

The consensus of the Board is that they generally support the idea of allowing breweries and distilleries, but would like to see it limited to, or at least have a relationship to, the local Snohomish County agricultural market.